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10/580,759	05/26/2006	Malcolm Bell	17178.011	9448

  

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EXAMINER	
LABAZE, EDWYN	

  

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2887	

  

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/580,759

Applicant(s)

BELL ET AL.

Examiner

EDWYN LABAZE

Art Unit

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 and 66-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21, 26-35, 40-48, 53-64, 66, 70 is/are rejected.
- 7) ☒ Claim(s) 22-25, 36-39, 49-53 and 67-69 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 5/26/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Receipt is acknowledged of IDS 5/26/2006.
2. Receipt is acknowledged of preliminary amendments filed on 3/02/2007.
3. Claims 1-64 and 66-7 are presented for examination.
4. This application is a 371 of PCT/GB04/05007 filed on 11/26/2004.

#### ***Priority***

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Claim Objections***

6. Claims 27-28 and 40 are objected to because of the following informalities:

Re claims 27-28 (page 6, lines 12-13 & 16 respectively): There is no antecedent basis for the limitations "the first processing means", "the first database", and "the second processing means". Note that none of these limitations is recited in claim 17.

Re claim 54: There is no antecedent basis for the limitation "the internet". The applicant is respectfully requested to amend the claimed language so as to render the claimed invention in condition for allowance.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-10, 12-21, 31-35, 40-47, 58-66, and 70 are rejected under 35 U.S.C. 102(e) as being anticipated Maloney by (US 2004/0021570).

Re claims 1, 9, 17, 35, 45-46, and 62: Maloney discloses mobile object tracking system, which includes container {herein enclosure cabinet 20, as shown in fig.# 2} to receive the monetary objects {as described in paragraph 3}, which once opened cannot be re-used as such packaging, and an RFID device to be packaged within the container so as to be removable from the container when opened for re-use in another said container (paragraph 55).

Maloney further teaches means for determining first value data relating to a sheet object to be stacked in the container; and an RF reader/writer {herein a sensor} for writing said first value data to an RFID device (paragraph 70).

Maloney also discloses means of including a closure member 28 for sealing the RFID device inside the container (see paragraph 40).

Maloney discloses a system and method, comprising first processing means {herein controller 11/110} having a first database for storing the first value therein and displaying means (paragraphs 38-39, 47-49, and 63).

Re claims 2, 14-15, 31-33, and 58-60: Maloney teaches system and method, including a closure member 28 for sealing the RFID device inside the container (see paragraph 40).

Re claim 3: Maloney discloses a system and method, wherein the RFID device is a read/write RFID tag (see paragraph 55).

Re claim 4: Maloney teaches system and method, wherein the RFID device is a read-only RFID tag (paragraph 56).

Re claims 5-7, 13, 16: Maloney discloses a system and method containing a stack {herein interpreted as straps for holding the objects} of sheet of monetary objects, comprising a member that forms a base of sheet monetary objects (paragraphs 16-17).

Re claim 8: Maloney teaches a system and method, wherein the container is made of recyclable plastics material (paragraph 42).

Re claim 10: Maloney discloses a system and method, including opening the container removing the monetary objects from the opened container, removing the RFID device from the container and re-using the RFID device when packaging monetary items in another the container (paragraph 59).

Re claim 12: Maloney teaches a system and method, further including means of deleting {herein interpreted as means of restarting the count or record} data from the RFID device removed from the container (paragraph 59).

Reclaims 18-19: Maloney discloses a system and method, comprising first processing means {herein controller 11/110} having a first database for storing the first value therein and displaying means (paragraphs 38-39, 47-49, and 63).

Re claims 34, 44, 61, and 70: Maloney teaches a system and method, wherein the first and/or the second value data relate to the monetary value {Maloney refers to keys, back in the background of the invention, for valuable items, vault} attributed to said sheet objects and/or the number of sheet objects in said stack (paragraph 63-65).

Re claims 40-42 and 63-64: Maloney discloses a system and method, sensing the RFID device {using infrared sensor 174} within a predetermined locality {herein interpreted as key location/slot} (paragraph 70); and writing tracking information to the RFID device, comprising storing said tracking information in the first database and/or the second database, wherein the tracking information comprises the time and/or the date {herein the on-board controller 72 includes internal memory and clock timer} at which the RFID device is sensed (paragraphs 47-48, 55-59).

Re claims 43 and 66: Maloney teaches a system and method, sensing the RFID device within a predetermined locality (paragraph 70); and triggering an alarm (paragraphs 71).

Re claim 47: Maloney discloses a system and method, an unpacking device for removing sheet objects from the container and determining second value {herein using alpha numeric identifiers, and means of generate a record of which keys were removed from the object carrier} data relating to sheet objects removed from the container (paragraphs 59-63).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney (US 2004/0021570) in view of Meyer et al. (U.S. 6,575,300).

The teachings of Maloney have been discussed above.

Maloney fails to specifically teach means of sending the opened container to be recycled after removal of the monetary objects.

Meyer et al. discloses bag stack and making same, which includes means of sending the opened container to be recycled after removal of the monetary objects (col.1, lines 46-64).

In view of Meyer et al.'s teachings, it would have been obvious to an artisan of ordinary skill to employ into the teachings of Maloney means of sending the opened container to be recycled after removal of the monetary objects for further reuse of the container.

11. Claims 26-30, 48, and 55-57 rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney (US 2004/0021570) in view of Freeman (US 2001/0049629).

The teachings of Maloney have been discussed above. Maloney further teaches infrared or other types of sensors (paragraph 70), and alarm system {in occurrence of a fault condition} (paragraph 62).

Maloney fails to specifically suggest RF detector.

Freeman discloses package location system, which includes RF detector {herein transmitter 10} (paragraphs 16, 30).

In view of Freeman's teachings, it would have been obvious to an artisan of ordinary skill to employ into the teachings of Maloney an RF detector/sensor so as to provide wireless communication between the RFID tag and the reader/detector for tracking and/or monitoring of the valuable objects.

12. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maloney (US 2004/0021570) in view of Freeman (US 2001/0049629).

The teachings of Maloney have been discussed above.

Maloney fails to specifically teach means of transmitting the data over the Internet.

Freeman discloses package location system, which includes means of transmitting the data over the Internet (paragraph 24).

In view of Freeman's teachings, it would have been obvious to an artisan of ordinary skill to employ into the teachings of Maloney means of transmitting the data over the Internet so as to enable remote tracking and monitoring of wirelessly sensed tag/label.

#### ***Allowable Subject Matter***

13. Claims 22-25, 36-39, 49-53, and 67-69 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, taken alone or in combination with any other references, fails to specifically teach a second processing means having a second database for storing the first value data read from the RFID device and the second value data determined by the unpacking device. These limitations in conjunction with other limitations in the claimed invention were not shown by the prior art of record.

#### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



Muirhead (U.S. 6,943,678) teaches thermoformed apparatus having a communications device.

Lindsay et al. (US 2005/0242957) teaches deactivating a data tag for user privacy or tamper-evident packaging.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Art Unit 2887  
January 25, 2008